

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MONICA ABBoud, individually and	§	
on behalf of all others similarly	§	
situated,	§	
	§	
<i>Plaintiff,</i>	§	Civil Action No. 3:19-CV-00120-X
	§	
v.	§	
	§	
AGENTRA, LLC,	§	
	§	
<i>Defendant.</i>	§	

AMENDED SCHEDULING ORDER

The Court is aware that the plaintiff intends to file a motion for reconsideration. Nonetheless, the Court sets the following schedule for this case's disposition.¹

1. The jury trial is scheduled on this Court's two-week docket beginning November 14, 2022 at 1:30 PM.
2. A Pretrial Conference is scheduled for November 7, 2022 at 1:30 PM.
3. Counsel shall confer and file a joint report setting forth the status of settlement negotiations by October 19, 2022.
4. All challenges to experts—including motions to strike or exclude expert witnesses—shall be filed by October 26, 2022.
5. Counsel shall file by October 31, 2022 a Joint Pretrial Order containing the information required by Local Rule 16.4 plus the following:
 - a. A list of witnesses who may be called by each party in its case in chief. Each such witness list shall contain a narrative summary of the testimony to be elicited from each witness, shall state whether the witness has been deposed, and whether the witness's testimony at trial is "probable," "possible," "expert," or "record custodian." A copy of this

¹ Unless the Court orders otherwise, the Parties must observe the Federal Rules of Civil Procedure and the local rules of this Court.

- list must be furnished to the court reporter prior to trial;
- b. A **joint** proposed jury charge. The parties must submit the proposed charge to the Court in Word format. The parties must annotate the joint proposed charge, explaining any objections and including citations to pattern jury instructions or caselaw.
 - c. Proposed interrogatories
 - d. The status of settlement negotiations as of the date of the Pretrial Order;
 - e. Each party's proposed *voir dire* questions if the matter is a jury trial. The Court will allow attorneys an allotted time to conduct questioning at *voir dire* so long as the questions are approved in advance by the Court. The Court reserves the right to conduct further questioning at the conclusion of attorney questioning; and
 - f. Trial briefs may be filed with the Pretrial Order but are not required unless specifically requested by the Court.
6. Regarding exhibit lists, exhibits, witness lists, and deposition designations, the parties shall comply with Local Rule 26.2 by October 31, 2022. This includes providing copies of your trial exhibits to the Court on a USB flash drive or by email at Starr_Orders@txnd.uscourts.gov.² Deposition designations should be made for only those witnesses who qualify as "unavailable" for trial under Federal Rule of Civil Procedure 32(a)(4). The parties should brief the Court on why a given witness counts as unavailable under Rule 32. Deposition designations should *not* be made for witnesses who will testify live.
 7. Motions in limine shall be filed by October 31, 2022. The parties must file responses to the motions in limine by November 3, 2022.
 8. Objections to witnesses (except expert witnesses), exhibits, and deposition designations shall be filed by November 3, 2022. Counsel must confer about exhibits and make reasonable efforts to agree upon admissibility.
 9. Objections to the interrogatories shall be filed by November 3, 2022.
 10. The parties must confer and file, by November 3, 2022 at 5:00 PM, a joint status report on pretrial objections to exhibits, witnesses (except expert witnesses), and deposition designations.

² The Court will not accept original exhibits prior to trial. Original exhibits are retained by counsel and are admitted into the official record during trial. It is counsel's duty to care for the original exhibits before and after trial. At the end of trial, the Court will return the original exhibits to counsel and counsel will sign a Receipt of Exhibits. The Court will file the Receipt of Exhibits with the District Clerk. It is counsel's responsibility to forward any exhibits to the Court of Appeals should the case be appealed. All questions regarding exhibits are to be directed to the court reporter.

I. Exhibits, Depositions, and Witnesses

The Court expects that the parties will reach agreements resolving those evidentiary issues that are governed by well-settled and clearly established law. The report should then list the objections that the parties maintain. Objections must be explained in writing, similar to what would occur in a sidebar conference. Merely citing to a rule number is not sufficient.

- a. Exhibits: Counsel must confer about exhibits and make reasonable efforts to agree upon admissibility. The Court will only admit into evidence exhibits the parties offer at trial.³ For each exhibit objected to, the report shall list the exhibit number, a concise, non-argumentative description of the exhibit, the concise written basis for the objection with a citation to relevant authority, and a concise written response to the objection with a citation to the relevant authority.
- b. Depositions: For each witness the plaintiff will present by deposition (*i.e.* not a live witness), counsel must designate excerpts by page and line. The plaintiff must include an opposing party's counter-designations, chronologically interspersed throughout a single, joint designation form for each witness. Each designated excerpt should note the party making the designation, whether there is an objection, the concise written basis for the objection with a citation to relevant authority, and a concise written response to the objection with a citation to relevant authority. The defendant must complete the same process for witnesses to be presented by deposition in the defendant's case-in-chief only. The parties must attach the full deposition at issue for each witness.
- c. Witnesses: The report shall include a concise, non-argumentative statement summarizing the witness and his/her connection to the facts. The party making an objection to the witness's testimony must then make a concise explanation of the objection with a citation to relevant authority. The party presenting the witness must then make a concise response to the objection with a citation to relevant authority. The Court highly disfavors arguments about excluding the entirety of fact witness testimony.

The status report should organize the objections in table format, according to the

³ This does not mean the parties cannot bring into evidence a document not admitted in conjunction with a witness. The parties may agree to the admissibility of certain exhibits that are never discussed with a witness and ask the Court to admit them into evidence at the close of that party's case and be sent with the jury for deliberation. Or evidence brought in through a proper records custodian by affidavit may qualify to go back to the jury room. But the Court is not inclined to admit into evidence *en masse* exhibits only tangentially connected to the case actually presented to the jury.

examples below:

Exhibit Number	Concise non-argumentative description of Exhibit	Objection with concise explanation and authority.	Response with concise explanation and authority.
----------------	--	---	--

Deposition Designation with Page and Line Numbers	Counter-designation (if applicable) with Page and Line Numbers	Excerpt Objected to with Page and Line Numbers	Objection with concise explanation and authority.	Response with concise explanation and authority.
---	--	--	---	--

Witness	Concise non-argumentative summary of witness and connection to facts	Concise non-argumentative identification of what aspect of the Witness's testimony is objected to	Objection with concise explanation and authority.	Response with concise explanation and authority.
---------	--	---	---	--

11. The Court will view with disfavor and will deny—absent a showing of good cause—requests for extensions of these deadlines.
12. At the pretrial conference, the Court will determine the order in which the cases on its two-week docket will be tried. Counsel and the Parties shall be ready for trial on 48-hours' notice at any time during the docket period.

IT IS SO ORDERED this 5th day of October, 2022.


 BRANTLEY STARR
 UNITED STATES DISTRICT JUDGE